

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Agricultural Marketing Department – Disciplinary proceedings against Sri D.Raja Rao, Ex-Selection Grade Secretary, A.M.C., Guntur and Presently Selection Grade Secretary, A.M.C., Vijayawada for committing certain irregularities in implementation of Rythu Bandhu Pathakam – Imposing of penalty – Orders – Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No. 807

Dated: 03-07-2009

Read the following:-

- 1) From C&DOM, Hyd. Lr.No.DC(2)302/2003, dt.26-08-2003.
- 2) GORt.No.719, Agri.& Coop.(VC.II)Dept., dt.28-08-2003.
- 3) GORt.No.1070, Agri.& Coop.(VC.II)Dept., dt.27-11-2003.
- 4) GORt.No.670, Agri.& Coop.(Vig.II)Dept., dt.13-07-2004.
- 5) Govt.Memo No.1884/Vig.II(1)/2003-6, dt.07-10-2005.
- 6) GORt.No.133, Agri. & Coop.(Vig.II)Dept., dt.16-02-2006.
- 7) From A.P.A.T. Order, dt.01-11-2007 in O.A.No.4976/2008.
- 8) From A.P.High Court Order dt.29-07-2008 in W.P.No.16117 /2008.
- 9) Govt.Memo No.13099/Vig.II(1)/2007-12, dt.10-09-2008.
- 10) From Sri D. Raja Rao, Selection Grade Secretary, Representations, dt.04-10-2008 & dt.18-03-2009.

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ORDER:

It was brought to the notice of the Government that Sri D. Raja Rao, while working as Selection Grade Secretary, A.M.C, Guntur had allegedly committed certain grave irregularities in implementation of Rythu Bandhu Pathakam. Accordingly, Sri D. Raja Rao, Selection Grade Secretary, A.M.C. Guntur was placed under suspension in the reference 2nd read above. In the reference 3rd read above, departmental proceedings were initiated by framing the following article of charge against him:-

Article of Charge: *“Sri D. Raja Rao, while working as Selection Grade Secretary, A.M.C. Guntur, has failed to implement Rythu Bandhu Pathakam by sanctioning of R.B.P. loans to 13 persons who are not actually farmers, @ Rs.75,000/- each and failed to maintain the Registers pertaining to sanction of R.B.P. loans to the farmers, thus he failed in administration and shows negligence and gross dereliction of duty and misused his official position and violated the instructions of higher authorities.”*

2. The Charged Officer has submitted his written statement of defence denying the charge framed against him. As the written statement of defence submitted by the Charged Officer was found to be not convincing, Government appointed Sri D. Prakasam, Additional Director of Marketing, O/o Commissioner & Director of Agricultural Marketing, Hyderabad as Inquiring Officer to conduct a regular inquiry into the charge framed against the above Charged Officer. On submission of representation by the Charged Officer, Government revoked the orders of suspension, subject to finalization of disciplinary proceedings against him vide reference 4th read above.

3. The Inquiry Officer, after conducting the inquiry, has submitted the Inquiry Report holding that the charge against the charged officer was held not proved.

4. Government, after careful examination of the matter, disagreed with the findings of the Inquiry Officer. After following due procedure, Government have awarded a penalty of withholding of three annual grade increments with cumulative effect against Sri D. Raja Rao, Selection Grade Secretary and the period of suspension of Sri D. Raja Rao, Selection Grade Secretary shall be treated as ‘Leave’ of any kind admissible to him under sub-rule 7 of 54(B) of F.R. vide reference 6th read above.

5. Aggrieved by the above penalty, Sri D. Raja Rao, Selection Grade Secretary has filed an O.A.No.4976/2007 before A.P.Administrative Tribunal. The A.P. Administrative Tribunal in its judgment dt.01-11-2007 in the above O.A. have ordered as follows:-

“.....In view of the facts and circumstances of the case, the Govt.Memo No.1884/VC.II(1)/2003-6, dt.7-10-2005 and the consequential GORt. No.133, dt.16-2-2006 are set aside as they are issued in violation of Principles of Natural Justice, as the applicant has not been heard, while the disciplinary authority disagreed with the Enquiry Officer’s Report. The matter is being remitted back to the disciplinary authority to follow the procedure of putting the applicant on notice for hearing, with respect to the grounds for disagreement of the Enquiry Officer’s Report and to pass appropriate orders in accordance with the Law laid down by the Apex Court in the case between Yoginath D. Badge Vs State of Maharastra and another reported in 1999 (7) SCC 739”.

(PTO)

6. On the above judgment of A.P.Administrative Tribunal, Government have filed W.P.No.16117/2008 before A.P.High Court. The Hon'ble High Court in its judgment dt.29-07-2008 in the above W.P. have ordered as follows:-

“A perusal of the Memo dt.07-10-2005 issued by the disciplinary authority to the respondent, informing about rejection of the findings of the Inquiry Officer and asking the respondent to show cause as to why a major penalty should not be imposed on him, would clearly show that the disciplinary authority has not given any cogent and convincing reasons for not accepting the findings of the Inquiry Officer. In the circumstances, we are of the considered opinion that the Tribunal has rightly set aside the G.O. impugned and remanded the matter to the disciplinary authority to follow the procedure of putting the applicant on notice for hearing with respect to the grounds for disagreement of the Inquiry Officer's report and to pass appropriate orders in accordance with Law. There is no illegality in the impugned order warranting interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, the disciplinary authority is directed to conclude the proceedings and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs”.

7. Government, after careful examination of the matter, have set aside the Govt.Memo No.1884/VC.II(1)/2003-6,dt.07-10-2005 and G.O.Rt.No.133, Agriculture & Cooperation (Vig.II)Department, dt.16-02-2006 and remitted back the disciplinary proceedings, where it was vitiated, against Sri D. Raja Rao, Selection Grade Secretary to hear with respect to the following grounds for disagreement of the Inquiry Officer's report for concluding the proceedings as per procedure and directed the Charged Officer Sri D. Raja Rao, Selection Grade Secretary to submit his representation, if any vide reference 9th read above:-

“As per the instructions issued by the Commissioner & Director of Marketing, Hyderabad vide Circular No.Unit-20-22/2001, dt.21-03-2001, before accepting the stock, the concerned Secretary and Person-in-Charge/Chairman should satisfy themselves about genuineness of the applicants with the support of revenue Receipt/Pass Book/MRO Certificate etc. Instead of that, the Selection Grade Secretary had sanctioned loans to (13) bogus farmers in implementation of the R.B.P. scheme, which was well established and on record. In the event, the Secretary, A.M.C. cannot be absolved of the liability for such irregular sanctions, without adequate verification. The Secretary, A.M.C. is not such a supervisory post to be disassociated with the normal transactions and affairs in the AMC, but is the immediate and direct functionary in the AMC, who process all the activities in the AMC and he cannot be presumed to be unaware of such transactions. The Selection Grade Secretary being responsible executive for such a large regulated Market of Guntur should verify all the transactions and should have done at least checking in such a manner, which is convenient to him to eradicate such kind of lapses and irregularities in issue of Rythu Bhandu Pathakam cards/loans. The findings of the Inquiry Officer that there is no malafide on the part of Sri D.Raja Rao or supervisory failure are totally baseless and he has gone out of way to give clean chit to the Charged Officer”.

8. On the above, Sri D. Raja Rao, Selection Grade Secretary has submitted two representations requesting to drop the charge leveled against him.

9. Government have examined the matter carefully with reference to record of inquiry, findings of Inquiry Officer and representations submitted by the Charged Officer and observed that there is no direct involvement in sanctioning the loans to ryoths and the money has been paid back to by the ryoths to A.M.C. and no financial loss caused by the Charged Officer, but there is lack of supervision over his subordinates. As such Government have decided to impose a penalty of stoppage of one annual grade increment without cumulative effect against the Charged Officer Sri D. Raja Rao, Selection Grade Secretary and the period of suspension of Sri D. Raja Rao, Selection Grade Secretary shall be treated as 'Leave' of any kind admissible to him under sub-rule 7 of 54(B) of F.R.

Contd.....(3)

10. Accordingly, Government hereby impose a penalty of stoppage of one annual grade increment without cumulative effect against the Charged Officer Sri D. Raja Rao, Selection Grade Secretary and the period of suspension of Sri D. Raja Rao, Selection Grade Secretary shall be treated as 'Leave' of any kind admissible to him under sub-rule 7 of 54(B) of F.R.

11. The Commissioner and Director of Agricultural Marketing, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. R. KISHORE
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri D. Raja Rao, Ex-Selection Grade Secretary, A.M.C., Guntur and
Presently Selection Grade Secretary, A.M.C., Vijayawada.

(Through: The Commissioner & Director of Agricultural Marketing, A.P., Hyderabad)

Copy to: -

The Commissioner & Director of Agricultural Marketing, A.P., Hyderabad.

The Secretary, A.P.V.C., Hyderabad(30936/VC.I(2)/2005)

The Government Pleader for F&A(S),

A.P.Administrative Tribunal, Hyderabad.

Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER